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# Residents' Rights Act Fact Sheet

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## Evictions in Care Homes

*On August 22, 1994, the Residents' Rights Act became law in Ontario, extending tenant protection laws to cover care home residents.*

*Under the Residents' Rights Act, the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act all apply to care homes. The Landlord and Tenant Act sets out specific grounds for eviction. This fact sheet is intended to help you understand the rules for eviction. The Landlord and Tenant Act should be consulted for an exact interpretation of the law.*



## Grounds For Early Termination of a Tenancy

The Landlord and Tenant Act provides grounds under which a landlord can serve a tenant with a notice for early termination of a tenancy. This notice can be given at any time during the tenancy for any of the following reasons:

- If a tenant does not pay rent;
- If a tenant or a guest of a tenant “causes or permits undue damage” to the rented premises;
- If the conduct of a tenant or a guest of a tenant has substantially interfered with the reasonable enjoyment of the premises by the landlord or the other tenants;
- If the safety or other lawful right of any other tenant is or has been seriously impaired by an act or omission of a tenant or a guest of a tenant;
- If a tenant carries out or permits to be carried out illegal activities on the residential premises;
- If a tenant in public housing misrepresents his/her income; and
- If the number of occupants in the rented premises contravenes housing, health or safety standards.

## Grounds For Termination at The End of a Term

The Landlord and Tenant Act provides additional grounds for terminating a tenancy which can only become effective at the end of the term of tenancy. Some of the grounds are:

- If a landlord requires the property for his/her own use or for the use by his/her immediate family;
- If a tenant is persistently late in paying rent;
- If a landlord intends to demolish the residential premises, convert it to another use or undertake major repairs or renovations; and

- If a tenant is occupying the unit on a temporary basis (no longer than 2 years) solely for the purpose of receiving rehabilitative or therapeutic services.

## Procedures For Eviction

If a tenant does not move out as a result of receiving a notice of termination, the landlord must obtain a court order for a writ of possession from the Ontario Court of Justice (General Division) before the tenant can be evicted. A tenant can be physically removed only by a sheriff acting on a court order.

The Landlord and Tenant Act sets out the following procedures concerning eviction:

- If a tenant has not paid rent in a weekly or daily tenancy, the landlord must give seven days’ notice. If the tenant does not pay the rent owing within seven days of receiving the notice, the landlord can apply to the court for an order permitting eviction of the tenant and/or ordering the tenant to pay the rent owing.
- If a tenant has not paid rent in a monthly, yearly or fixed-term tenancy, the landlord must give 20 days’ notice. If the tenant does not pay the rent owing within 14 days of receiving the notice, the landlord can apply to the court for an order permitting eviction of the tenant and/or ordering the tenant to pay the rent owing.
- If a tenant or his/her guest has caused damage, substantially bothered other tenants or the landlord, overcrowded the unit or impaired the safety or other lawful right of other tenants, the landlord must give 20 days’ notice. The tenant has seven days to correct the situation. If the tenant fails to correct the situation within seven days of receiving the notice, the landlord can apply for a court order to evict the tenant. If a tenant corrects the situation within 7 days, the notice of termination becomes invalid. However, if within six months the tenant again causes damage, substantially bothers other tenants or the landlord, overcrowds the unit or impairs the safety of others, the landlord may



give only 14 days' notice and can immediately apply for a court order permitting the tenant's eviction.

- If a tenant carries out or permits to be carried out illegal activities or misrepresents income in public housing, the landlord must give 20 days' notice and can immediately apply for a court order permitting the tenant's eviction. In this case, the tenant is not given any time to correct the situation.
- If a tenant is persistently late in paying rent, the landlord must give 28 days' notice (in the case of a weekly tenancy) or 60 days' notice (in the case of monthly, yearly or fixed-term tenancy). The date specified for the tenant to move out must be the last day of the term of the tenancy. If the tenant does not move out once the notice comes into effect, the landlord can apply to the court for an order permitting the eviction of the tenant.
- If a landlord requires the property for his/her own use or for use by his/her immediate family, the landlord must give at least 60 days' notice. The date specified for the tenant to vacate must be the last date of the term of the tenancy. If the tenant does not move out once the notice comes into effect, the landlord can apply to the court for an order permitting eviction of the tenant.
- If a landlord wants to demolish the premises, convert it to another use or undertake major repairs or renovations, the landlord must give 120 days' notice before the end of the tenancy. Approval under the Rental Housing Protection Act is required before this notice can be given. If the tenant does not move out once the notice given by the landlord comes into effect, the landlord can apply to the court for an order permitting the eviction of the tenant.
- If the landlord wants to evict the tenant because the unit is to be used solely for rehabilitative or therapeutic services and no tenant in the building who receives those services is allowed to live there for more than two years, the landlord must give 28 days' notice (in the case of a

weekly tenancy) or 60 days' notice (in the case of a monthly, yearly or fixed-term tenancy) before the end of the tenancy. If the tenant does not move out once the notice comes into effect, the landlord can apply to the court for an order permitting the eviction of the tenant.

## House Rules and Eviction

Breaking house rules set out in a tenancy agreement is not a specific ground for eviction. However, breaking some of the house rules established by a housing program may meet one or more of the existing grounds, and may then be used to evict tenants.

## Non-Payment For Care Services and Meals

The payment for care services and meals is not considered rent. Therefore non-payment for care services and meals is not a ground for eviction under the Landlord and Tenant Act. If the resident fails to pay for care services and meals, the landlord would have to recover the amount owing through the courts.

## Tenants Who Pose a Danger to Others

While the Landlord and Tenant Act is often effective in addressing these situations, it is not the only method. Intervention by the police, health care professionals and family members can also be of assistance to care home operators in these situations.

## For More Information

For more information on evictions, please call the Rent Control Office in your area. Eviction forms are also available from your area Rent Control Office. The phone number is listed under the Ministry of Housing in the blue pages of the telephone directory.



